GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commissioner of Commercial Taxes – Allegations of disproportionate assets to known source of income against Sri A.Rama Rao, former Commercial Tax Officer, Nadigama (Retired and expired) – Criminal case filed - pending – Departmental action initiated for violation of Conduct Rules – Inquiry – Charge proved – Inquiry Report – Communicated – Representation submitted – Retired from service – Examined - SCN issued - Explanation awaited - Accused Officer expired on 06.03.2018 - Orders issued by the SPL., Judge for SPE & ACB case, Vijayawada in C.C.No.32/2007 - Representation filed by Smt.A.Padma Hemalatha, W/o Sri A.Rama Rao – Examined - Further action abated – Orders - Issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.159 **Dated:31.01.2019.**

Read the following:-

1. From the DG,ACB,Rc.No.338/RCA-VKI/2002, Dt.16-1-2003.
2. From the DG,ACB,Rc.No.338/RCA-VKI/2002, Dt.15.02.2003.
3. G.O.Ms.No.462, Revenue (Vig.I) Dept., dated 25.03.2003.
4. From the DG,ACB,Rc.No.338/RCA-VKI/2002, Dt.1-6-2005.
5. Govt., memo.No.79973/Vig.I (1)/2002-5, dated:24.10.2005.
6. 6. G.O.Ms.No.447, Revenue (Vig.I) Dept., dated 13-04-2006.
7. G.O.Rt.No.759, Revenue (Vig.I) Dept., dated 13-04-2006.
8. From CCT, Lr.No.V1(D3)/2459/202-1, Dt.23.12.2011.
9. G.O.Rt.No.594, Revenue (Vig.I) Dept., dated 19-04-2012.
10. G.O.Rt.No.595, Revenue (Vig.I) Dept., dated 19-04-2012.
11. From DC (CT), Kurnool, Inquiry Report in Rc.No.A1/70/2015, Dt:27.04.2015.
12. Govt Memo.No.79973/Vig.II(3)/2002-16, Dt.14.8.2015.
13. Represenatation of Sri.A.Ramarao, CTO(Retd), Nandigama, Dated:23-01-2016.
14. Govt Memo.No.79973/Vig.II(3)/2002-17, Dt.04.07.2016.
15. From the CCT, Ref.No.V1/2459/2002, dated:12.09.2018.

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O R D E R :

Whereas, in the reference 1st read above, it was brought to the notice of the Government by the Director General, Anti Corruption Bureau that a Crl.case No.46/RCA-ACB-VJA/2003 had been registered by the Anti Corruption Bureau against Sri A.Rama Rao, Commercial Tax Officer (retired), on 13-12-2003 on allegations of acquisition of Disproportionate Assets to known sources of income. In the reference 2nd read above, the Director General, Anti Corruption Bureau had requested the Government to authorize the Investigating Officer for filing the application in the Court of Spl.Judge for Special Police Establishment & Anti Corruption Bureau Cases, Vijayawada for attachment of properties worth Rs.19,54,705-00. Government after examining the matter, issued orders for attachment of properties worth Rs.19,54,705-00 vide reference 3rd read above.

2. Whereas, the Director General, Anti Corruption Bureau, in their final report 4th read above, have recommended to prosecute Accused Officer in a court of Law for acquisition of Disproportionate Assets besides initiation of departmental action for violation of Conduct Rules and also stated that as the Accused Officer had already retired from service, no sanction order is necessary for prosecuting him. In the reference 5th read above, Government accorded permission to prosecute the Accused Officer Sri A.Rama Rao,

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Commercial Tax Officer (retired) in a court of law for the offences punishable under section 13 (2) read with 13 (1)(e) of the Prevention of Corruption Act, 1988, since the officer retired from service on 31.12.2004.

3. Whereas, in the reference 6th read above, Government had accorded sanction to initiate departmental action against Charged Officer for violation of conduct rules under Andhra Pradesh Revised Pension Rules 1980 as the Charged Officer had retired from service on 31-12-2004 and Articles of Charge have also been framed against him, vide reference 7th read above.

4. The details of charges framed against Sri A.Rama Rao, Commercial Tax Officer (Charged Officer) (retired), are as follows :

"That Sri A.Ramarao, S/o Venkateswara Rao committed grave misconduct in as much as he neither obtained prior permission for purchase of immovable properties in the name of his family members nor furnished any subsequent intimation to the competent authority regarding purchase of costly movable items and investments and not shown the same in Annual Property Returns. The details of properties/charges framed are as follows:

1. Purchase of flat in daughter name Ramadevi in 1998 vide doc.No.306/98 at door No.32-9-4, S3, Nirmala Apts., Mogalrajapuram Vijayawada.
2. Purchase of flat in the name of Charged Officers daughter Ramadevi in 2000 vide doc. No.1154/2K & same transferred to Charged Officers wife as gift in 2002 vide doc No. 882/02, dated: 07-03-02 at Sub-Registrar, Patamata, Vijayawada.
3. Purchased house site of 200 Sq.Yds., at Undavalli (V), Tadepalli (M), Guntur District by Charged Officers in his son name Mr.A.Kishore Babu on 22-02-2000 vide doc. No.757/2000.
4. Purchased house site of 200 Sq.Yds., at Undavalli (V), Tadepalli (M), Guntur District by Charged Officer in son name Mr.A.Suresh Babu on 10-3-2000 vide No.1034/2000.
5. Purchased site of 200 Sq.Yds., in Sy.No. 167/1 at Undavalli (V), Tadepalli (M), Guntur by Charged Officer in son name Mr.A.Ramesh Babu on 22-02-2K vide doc. No. 758/2K.
6. Purchased RCC building door No.54-19-20/12, film colony, Christurajapuram, Vijayawada by Charged Officer wife name Smt.Padma Hemalatha, vide No.699/02, dated 28-03-2002.
7. Gold ornaments and Silver ornaments found during house search of the Charged Officer valued at Rs.2,91,170/-.
8. Bank balances Rs. 1,69,824-69 in Charged Officer name and his family members (as on date of check i.e.13-12-2003).
9. Fixed Deposits by Charged Officer in his name and family members Rs.9,82,366/- (as on date of check ie.13-12-03).
10. Fixed Deposits deposited by Accused Officers in favour of his daughter Ramadevi Rs.5,04,777-17 (as on date of check i.e.13-12-2003).
11. Saving A/c.balance Rs.99,779-95 in the global trust bank ltd, Vijayawada in the name of Charged Officer and his family members (as on date of check i.e.13-12-2003).
12. Purchase of 2 Hero Honda Motor cycles and one Bajaj Chetak Scooter in the name of his sons and daughter bearing Nos.(1) AP16AD 2769 (2001 model) & (2) AP16AB 4163 (2001 model).
13. Purchased ICICI Bonds and IDBI Bonds by the Accused Officer for Rs.40,000/- (as on date of check i.e.13-12-2003).
14. Possessed wet land Acs.1-00 Gts., vide doc.No.4089/71 and Acs.0-96 cents vide doc No.2085/90 and the same were disposed off in 1994 vide doc No.6835/94 for Rs.51,000/-.
15. Investments by way of chits for Rs.2,28,735/-.

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5. The Charged Officer has not submitted his Written Statement of Defense. The Government has appointed the Inquiring Authority, vide reference 9th read above, and the Inquiring Authority has furnished the enquiry report, vide reference 11th read above, stating that the Charged Officer contended that all the transactions took place four years prior to the initiation of departmental action against him on 13-04-2006, and as per Rule 9 of Andhra Pradesh Revised Pension Rules 1980, no action can be initiated against him for the transactions that took place four years prior to the date of framing Article of Charges.

6. The Inquiring Authority, in the inquiry report held that out of 15 charges framed against Sri A.Rama Rao, Commercial Tax Officer (Charged Officer) (retired) except charges No.7 (i.e., purchase of gold / silver ornaments) & 14 (i.e., purchase of wet lands), all remaining 13 charges have been held as proved.

7. The Government examined the matter and observed that the contention of the accused officer is not correct since the accused officer has been placed under suspension in this Disproportionate Assets case w.e.f.28.01.2003 vide proceedings of the Commissioner of Commercial Taxes.No.D3/2459/2002, dated:28.01.2003 and as per sub rule (6) of the Rule 9 of Andhra Pradesh Revised Pension Rules, 1980, departmental proceedings shall be deemed to be instituted on the date on which Government Servant has been placed under suspension; there by disciplinary proceedings remain unaffected by the 4-year limitation prescribed under sub-clause(ii) of clause(b) of sub-rule(2) of Rule 9 of the said rules.

8. The Inquiring Authority report was communicated to the Charged Officer to submit the representation, if any, vide reference 12th read above, and the Charged Officer has submitted a representation, among others mainly contending that the inquiry was not conducted as per the procedure laid down under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991. As such the report is liable to be set aside. The Government have examined the representation submitted by the Accused Officer and observed that the same is devoid of merits as he has not put forth any new grounds defending the charges leveled against him. Further, most of the contentions of the charged officer have already been examined by the Inquiring Authority.

9. The Government, after examining the matter, have provisionally decided to impose a penalty of withholding of 15% pension for a period of two years on Sri A.Rama Rao, Commercial Tax Officer (Retired) under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 read with Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 for violation of Andhra Pradesh Civil Services (Conduct) Rules 1964. Accordingly, a Show Cause Notice was issued as to why the penalty of withholding of 15% pension for a period of two years shall not be imposed against him, within 15 days from the date of receipt of this memo, failing which it will be construed that he has no representation to submit and further action will be taken based on the merits of the case and material available on record. Confirmation of penalty is pending as the explanation is not received from the Accused Officer, even the served copy also not received from the Commissioner of Commercial Taxes / Deputy Commissioner (Commercial Taxes), Vijayawada so far.

10. Whereas, in the reference 15th read above, the Commissioner of Commercial Taxes, Andhra Pradesh, Vijayawada while forwarding representation of Smt.A.Padma Hemalatha, W/o (Late) Sri A. Rama Rao, formerly Commercial Tax Officer, Nandigama, Vijayawada Division (Retired & Expired) and Court Order of the Spl.Judge, Special Police Establishment &

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Anti Corruption Bureau cases, Vijayawada in C.C.No.32/2007 in Cr.No.46/RCA-ACB-VJA/2002 wherein "Special Public Prosecutor filed report along with death certificate stating that the accused died on 06.03.2018. Hence the same is recorded. Case against the accused stands abated. All further proceedings against the accused are dropped. Attachment of properties if any stands vacated, requested to take necessary action in the matter.

11. Government, after examining the matter in detail and after obtaining advice from advisory Departments, have decided and order to abate further action against Sri A.Rama Rao, formerly Commercial Tax Officer, Nandigama of Vijayawada Division (Retired and Expired) as he expired on 06.03.2018 and to recover an amount equivalent to 15% cut in pension for a period of 2 years from the terminal benefits of the Accused Officer and also to vacate the attachment of properties issued vide reference 3rd read above.

12. The Commissioner, Commercial Taxes Department, Andhra Pradesh, Vijayawada shall take necessary further action in the matter.

(**BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Smt.A.Padma Hemalatha, W/o (Late) Sri A. Rama Rao, formerly Commercial Tax Officer, Nandigama, Vijayawada Division (Retired & Expired), Rampriya Residency, D.No.40-2-10B, Flat No.FF 1,Labbipet, Vijayawada-10. **(Through** the Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.)

The Commissioner of Commercial Taxes, Andhra Pradesh, Eedupugallu, Vijayawada.

The Director General, Anti Corruption Bureau, Andhra Pradesh, Pandit Nehru Bus Station, NTR Administrative Block, 2nd Floor, Vijayawada. (with a request to vacate attachment of properties and further action in the matter.)

Copy to:

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Hyderabad.

SF / SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER